



MINUTES OF THE CITY COUNCIL AND THE COUNCIL SITTING AS THE REDEVELOPMENT AGENCY

WEDNESDAY, JANUARY 14, 2004

The regular meeting of the City Council, also sitting as the Redevelopment Agency, was called to order by Mayor/Chairman Stettler in the Council Chambers at 68-700 Avenida Lalo Guerrero, Cathedral City, California, on January 14, 2004 at 3:05 p.m.

ROLL CALL:

Present: Council Member/RDA Board Member DeRosa, England, Marchand.
Mayor/Chairman Stettler.

Absent: Mayor Pro Tem/RDA Board Member Pettis

Council Member/RDA Board Member DeRosa moved to excuse Mayor Pro Tem/RDA Board Member Pettis, motion seconded by Council Member/RDA Board Member England, motion carried 4-0.

Let the record note that Mayor Pro Tem/ RDA Board Member Pettis arrived at 3:20 p.m.

The Regular Meeting began at 6:30 p.m. and was opened by Mayor/Chairman Stettler. Council Member/RDA Board Member Marchand led the invocation, followed by The Flag Salute led by Mayor Pro Tem/RDA Board Member Pettis.

Council Member/RDA Board Member DeRosa moved to add one item of urgency to the Closed Session Agenda, motion seconded by Council Member/RDA Board Member England, motion carried 5-0

CLOSED SESSION AGENDA:

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9, Subd. (b).
Number of Potential Cases: 1

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2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6
Agency Negotiator: Donald Bradley, City Manager
Represented Employees: 1) Cathedral City Firefighters Association (CCFFA);
2) Cathedral City Police Officers' Association (CCPOA); and 3) Cathedral City Public Safety Management Association (CCPSMA);
3. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: Glenn Haas, Jeff Miller, Brian Hirzel and Cathedral City Police Officers Association vs. Cathedral City; Cathedral City Police Department; Stan Henry, Chief of Police; John Holcomb, Captain; Gregory J. Savelli, Lieutenant; Sandra Hatfield, Dispatch Supervisor, et al.
Case No.: United States District Court, Central District of California Case No. EDCV 02-965
4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.
Property Location: 33-817 Rancho Vista Drive
Negotiating Parties: Redevelopment Agency and Joanne A. Farmer-Wilson
Property Owner: Joanne A. Farmer-Wilson
Under Negotiation: Acquisition of Property
5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.
Property Location: North of Vista Chino, West of Date Palm Drive and South of I-10
Negotiating Parties: Redevelopment Agency and Playa del Sol Development Inc.
Property Owner: Playa Del Sol Development Inc.
Under Negotiation: Disposition of Land
6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.
Property Location: East of Van Fleet Avenue, South of East Palm Canyon Drive, West of Date Palm Drive, Northeast of East Cathedral Canyon Channel and North of "D" Street. APN #'s 687-207-005 (**68-759 Palm Canyon Drive**), 687-221-002 (**37-170 Van Fleet**), 687-223-016 (**68-851 "B" Street**), 687-223-018 (**37-237 Allen Avenue**), 687-225-004 (**68-760 D Street**), 687-225-006 (**68-770 B Street**), 687-225-008 (**68-780 D Street**), 687-221-005; 687-221-006; and 687-225-016

(68-837 C Street) and APN #'s 687-222-004 (68-885 Palm Canyon Drive)

Negotiating Parties: Redevelopment Agency and BCN Developments, LLC Property Owners: Martin Sousa, et al, Francine Dickson, et al, Jorge & Maria Sanchez, Danroy Corporation, Sam & Vikki Stickles, and Ezequiel Escobar, et al. and Cathedral City Boxing Club.

Under Negotiation: Acquisition/Disposition of Property

7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.

Property Location: South Panorama Area: APN Nos. 678-030-061-063, 065, 067, 069; 678-060-001; 678-060-049; 678-060-050; 678-060-002-003,004,005; 678-060-052;678-060-051;678-060-053 **(Vega Road, Corta Road and Landau)**

Negotiating Parties: Redevelopment Agency & Property Owners
Property Owners: Norgaard & Durhack; Peter and Sheila Zarenejad; Barbara, Clyde Trust; Vincent and Karen Pirozzi; Betty, Dworet Trust; Allan and Ellen Staller; Vincent and Karen Pirozzi; and Elaine and Donald Crowley

Under Negotiation: Property Acquisition

8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.

Property Location: Whitewater Neighborhood:680-393-006; 680-393-005;680-393-004; 680-393-003; 680-393-002; 680-393-001; 680-404-001-002,003,004,005,006,007,008; 680-393-009;680-393-008; 680-393-007; 680-394-004; 680-394-001; 680-405-001-002,003, **(Moreno Road, Ocatillo Road, Via De Anza and Ortega oad)**

Negotiating Parties: Redevelopment Agency & Property Owners
Property Owners: Grimshaw Sales and Distribution; Clare Stratton; Emerson & Evelyn, Virginia Vaughn; Donald & Byers, Lillian Dempsey; Robert Jacobs; Ernest & Hamby, Patricia Pearson; Ester Hoffman; Peter Zarenejad; Jose Torres; Helen Gallucci; Coachella Valley Water District; Newport Homes; Jesus Razura; Floyd Vail.

Under Negotiation: Property Acquisition

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9. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.
Property Location: 68-780 First Street and Monty Hall
APN #' 687-201-003
Negotiating Parties: Redevelopment Agency & Aaron and Rebecca Safirstein
Property Owner: Aaron & Rebecca Safirstein
Under Negotiation: Acquisition of Property
10. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.
Property Location: Date Palm Drive and Whitewater River Wash
APN #' 674-020-011 and 674-020-009
Negotiating Parties: Redevelopment Agency & Barbara Gonzalez-Lyons
Property Owner: Barbara Gonzalez-Lyons
Under Negotiation: Lease agreement and acquisition of land

CLOSED SESSION ANNOUNCEMENTS:

Deputy City Attorney Green announced there were no reportable actions taken in Closed Session.

PUBLIC COMMENTS:

Mayor Stettler opened the floor to Public Comments on any matter not on tonight's Agenda.

Bill Cohen – Cathedral City. Mr. Cohen announced that he had new T-shirts to sell for the new year and he delivers! He needs more volunteers for the C.O.P.S. to help keep our City safe.

Sarah DiGrandi – Cathedral City. She advised she was happy to be here and invited everyone to come help at the Boys and Girls Club at 7:00 a.m. on Monday January 19th in honor of Martin Luther King Day.

Greg Wetmore – Ranch Mirage. Mr. Wetmore is President/CEO of the CC Chamber of Commerce and invited everyone to the mixer tomorrow night at Jessup Motors. There are four Chambers participating in the mixer this year: Cathedral City, Rancho Mirage, Palm Springs, and Palm Desert. He also invited everyone to attend the annual Orion Awards Ceremony on January 30th at the Doral Hotel. Cost of the event is \$65.

Tony Signoret, Principal of the Cathedral City Elementary School invited members of City Council to attend their Community Action Walk – a program to improve the School's involvement in the Community.

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Robert Marchand – Cathedral City and Chair of the Public Arts Commission invited everyone to attend the first Public Arts Commission sponsored Woodwind Concert right here in Council Chambers on Thursday 18th of March.

Seeing no one else wishing to speak, Mayor Stettler closed Public Comments.

AGENDA FINALIZATION

Mayor Stettler advised that Council Member would be abstaining on Council Item 9.

COUNCIL COMMENTS

Donald Bradley – City Manager advised that Monday January 19th is Martin Luther King Day and the City employees, rather than take just a Holiday, had agreed to participate in a minimum of four hours of Community Service activities. This was a decision of the employees some years ago, and the participation is voluntary and not directed by any Management. There will be a blood drive, beautification at the Boys and Girls Club, a book drive for the CC Library, a food drive for FIND, and a clothing drive for the American Cancer Society. There would also be another clean up at Panorama Park. Mr. Bradley advised that our City was a leader in community services on MLK Day.

Mayor Stettler – The Mayor encouraged everyone to participate in the Community Blood Bank in honor of MLK day, or at any given time. The blood bank is very low on their blood supply. Much of the communities blood supply came from the Service People stationed at 29 Palms. With the deployment of so many to Iraq the many donors are not here to donate, and further, those returning to 29 Palms cannot donate for one year after their return. Mayor Stettler wants everyone to join him at Cathedral City High School Basketball and watch an outstanding team. Next game is Tuesday the 20th at 7:00 p.m.

Council Member England commented on the Concerts in the Square, and advised that Reach Out Ministries was going to hold a *Jamming for Jesus* concert in Town Square with free food and music and that the event had a lot of sponsors. This event will be on the 24th of January.

Council Member DeRosa wished everyone a Happy New Year and spoke of the Pepsi All Star Challenge held at Big League Dreams this past Sunday. If you missed the game it will be televised sometime in February. She wanted to congratulate Terri Simon, Principal of James Workman Middle School as being selected as Principal of the Year by PSUSD. She advised that the Palm Springs Elks Club #1905 located in Cathedral City, will be celebrating their anniversary with a party January 31st, cost is \$35 and she hopes everyone will come and help the Elks celebrate.

Council Member Marchand. The *kinder and gentler* IRS is sponsoring a program to help people to apply for money that is due them from the Earned Income Tax Credit. There is a volunteer request out for people to assist in presenting this program to the community, and there will be a training classes at the College of the Desert on two weekends, one on January 31st and one on February 7th. They will then assist families to apply for the Earned Income Tax Credit. He attended the bi-monthly meeting of the Coachella Valley Mountain Conservancy Board. He wanted the people in the cove to be aware that there is a project in Rancho Mirage, up above the Lodge at Rancho Mirage, in the second phase of development of Mirada. In order to do what they want to do, there is a need to move some 50,000 cubic yards of dirt. There are two options to do this, one is to build large retaining walls that can be seen from most of the cove, and the other is to spread the dirt so that there will be a natural appearing hills – everyone will be happy to know that the decision was to make the hills and not build the large retaining walls.

MINUTES :

Mayor Pro Tem/RDA Board Member Pettis advised that he would be abstaining on the Minutes of December 10th since he was out of town on that date. Council Member/RDA Board Member Marchand moved approval of the minutes of the Regular Meeting of December 10th, 2003, the Downtown Foundations Meeting of December 10th, 2003, the Special Meeting of the City Council on December 23rd, 2003, and the Special Closed Session Meeting of December 30th, 2003. Motion seconded by Council Member/RDA Board Member England, motion carried 4-0-1 for December 10th meetings (Mayor Pro Tem/RDA Board Member Pettis abstaining), and 5-0 for December 23, and December 30th meeting.

SCHOOL REPORTS

Martin Silva and Vivian Enriquez were both in attendance tonight. They reported on the activities that are happening at Cathedral City High School. Both students are Seniors and looking forward to College. Martin advised that he had been accepted at three California Universities, however, his best notification was from Brown University, Providence, R.I. where he has received a Fulbright Scholarship. The seniors are working with a program RIF – Reading is Fundamental, and they are reading to pre-school children. Vivian is awaiting acceptance from some colleges has not heard anything yet. They are both working with key programs within school, they are planning a senior trip to Washington D.C., there are many events to attend. The students are raising money for a fellow student to go to Ireland, as well as their senior trip. The Key Club is doing some fund raising with candy sales. Both Student Representatives have been nominated as Youth of the Year by the Cathedral City Chamber of Commerce and will be attending the Awards Ceremony on January 30th.

PRESENTATIONS AND PROCLAMATIONS

Mayor Pro Tem Pettis presented Certificates of Appreciation to members of the *Concerts In The Square Committee*. Those recognized were Joyce Donaldson, Sarah DiGrandi, Alex Tilde, Tony Escobedo, Sylvia Escobedo, Amanda Escobedo, Michelle Escobedo, Fernando Mercado, Dan Ruiz, Charlene Sumpter and the Palms Springs Rotary Club.

CONSENT AGENDA

1. Receive and filed claims and demands in the aggregate amount of \$1,826,311.41 for the month of November, 2003 **by Minute Order # 3635, and Minute Order # R-975**
2. Accepted and filed quarterly reports presented by the following service Organizations Cathedral City Chamber of Commerce (Economic Development and Community Services), Cathedral City Senior Center, Boys and Girls Club **by Minute Order # 3636.**
3. Adopted proposed Resolution of the City Council for the City of Cathedral City providing Workers Compensation coverage for City Volunteers **by Resolution No. 2004-1.**
4. Adopted Proposed Resolution of the City Council of the City of Cathedral City authorizing amendment to article 19 © of the amended and restated joint powers agreement of the Public Entity Risk Management Authority by **Resolution No. 2004-2.**
5. Adopted Proposed Resolution of the City Council for the City of Cathedral City adopting a records retention schedule for the Cathedral City Fire Department **by Resolution No. 2004-3.**
6. Adopted Proposed ordinance of the City Council of the City of Cathedral City, establishing minimum requirements to regulate construction and demolition activities in order to reduce dust and the corresponding PM 10 emissions; and to adopt the dust control handbook, 2003 edition.**by Ordinance No. 583**

PUBLIC HEARINGS

None

LEGISLATIVE ACTIONS

7. Approval of the City to enter into an agreement with Terra Nova Planning and Research to perform an Environmental Assessment for the exchange of land between the City and allottees of the Agua Caliente Band of Cahuilla Indians, in an amount not to exceed \$30,000.

There was a short report given by the City Planner Cynthia Kinser.
Public Comments were opened and closed without comment.

It was moved by Council Member Marchand to approve, motion seconded by Council Member England, motion carried 5-0 **by Minute Order # 3637.**

8. Authorization to purchase the Haenni WL 101 wheel load Weigher utilizing AB939 funds, in an amount not to exceed \$ 15,000.

A short report was given by Environmental Conservation Manager Deanna Pressgrove. There was input by Police Captain Kevin Conner explaining how helpful it would be to the Police Department to have use of this equipment, that the department already has a Police Officer trained in use of this equipment and the fines for overweight vehicles could be substantial. Captain Conner answered several questions.

Public Comments were opened and closed without comment.

Council Member Marchand asked if this item had any impact on the General Fund, and was advised that there was none.

Council Member Marchand moved authorization, motion was seconded by Council Member England, motion carried by 5-0 **by Minute Order 3638.**

9. Authorization to negotiate and prepare an agreement to assist Palm Springs Motors with the expansion of its current sales/service operation on East Palm Canyon Drive.

Council Member DeRosa advised that she would be abstaining on the following due to a conflict, that a company she owns does business with Palm Springs Motors.

There was a report by Economic Development Manager Paul Schillcock.
Mayor Stettler opened the floor to Public Comments.

Bill Cohen – Cathedral City Mr. Cohen spoke positively about this proposal

Janet Malachowsky – Cathedral City asked several questions and Mr. Schillcock answered with explanation with regard to Redevelopment Funds.

Greg Wetmore – Rancho Mirage Mr. Wetmore explained that the Auto Dealers bring most of the Sales Tax income to the City and he supports any help we can give Palm Springs Motors.

Alibaba Farzaneh – Palm Desert. Explained that the city is always looking for businesses to generate money for the General Fund, and that any expansion at Palm Springs Motors that would improve car sales was a plus for Cathedral City.

Seeing no one else wishing to speak Maryor Stettler closed Public Comments.

Council Member Marchand moved authorization, motion seconded by Council Member England, motion carried 4-0-1 with Council Member DeRosa abstaining **by Minute Order #3639.**

10. Proposed Resolution of the City Council for the City of Cathedral City, adopting a policy for the disbursement of the City's entitlement of Community Development Block Grant (CDBG) pass-through funds from the Riverside County Economic Development Agency.

Report by Economic Development Manager. There was also lengthy input from City Manager Don Bradley with regard to why we are looking at hydrology work vs. other potential projects. Deputy City Attorney Green also advised that we are contractually obligated to provide flood control to protect the Downtown.

Bill Bayne, City Engineer was asked to come forward and give some input to help clarify questions raised by Council Member DeRosa with regard to flood control in the Downtown area. Council Member DeRosa challenged Mr. Bain on the method being used to get this project done, and about other funds that are available but haven't been used. Mr. Bayne explained in detail how these projects are developed and carried out.

Both Mayor Pro Tem Pettis and Council Member Marchand gave positive input to the proposal, advising the need to get this accomplished and waiting will only serve to get fewer things accomplished with the same funds.

Mayor Stettler opened the floor to Public Comments.

Richard Altman – Cathedral City. Mr. Altman advised that he was heading

up the Boys & Girls Club and has some questions about \$140,000 that was received in CBDG by the Boys & Girls Club but never used. He was advised that after a certain period of time the funds went back into the system for redistribution.

Janet Malachowsky – Cathedral City. She wanted to know if it were possible to do an audit on those dollars not yet used?

Seeing no one else wishing to speak, Mayor Stettler closed Public Comments.

Council Member DeRosa moved that the Council defer this item for two weeks. Motion died for lack of a second.

Council Member Marchand moved approval of adopting this policy, motion seconded by Mayor Pro Tem Pettis, motion carried by 4-1 **by Minute Order # 3640**. Council Member DeRosa voted in the negative.

11. First Amendment to the Owner Participation Agreement (OPA) by and between the Redevelopment Agency of the City of Cathedral City and Plaza De Oro, L.P., a California limited partnership.

There was a brief report by Economic Development Manager Paul Schillcock.

Public Comments were opened and closed without comment.

Council Member Marchand moved approval, motion seconded by Mayor Pro Tem Pettis, motion carried 5-0 **by Minute Order 3641**.

12. Proposed Resolution of the City Council for the City of Cathedral City adjusting the animal control license and impound fees.

Captain Kevin Conner gave a report about the resolution. The question was asked as to when the fees had been raised in the past and there had not been any fees increase in the past nine years.

Public Comments were opened and closed without comments.

Council Member Marchand moved approval, motion seconded by Council Member England. Motion carried 5-0 **by Resolution no. 2004-4**.

13. Proposed ordinance of the City Council of the City of Cathedral City pertaining to the eligibility requirements for members of the Architectural

Review Committee (ARC).

Cynthia Kinser gave some background on this item, then went into the recommendations of the committee with regard to getting qualified people to serve on this Committee.

It was suggested by Council Member Marchand that the term *de-facto* be changed to "*alternate*" in the proposal.

Mayor Stettler opened the floor to Public Comments.

Gene Touchet – Cathedral City. Mr. Touchet, as a member of the Planning Commission, was happy that we are suggesting keeping the ARC. His input was very positive.

Sonja Marchand – Cathedral City. Ms. Marchand has had some concerns about the ARC – projects had to go thru 3, 4, and even 5 "hoops" to get them going. She applauds the committee for the suggested changes.

Mayor Stettler closed Public Comments.

Mayor Pro Tem Pettis moved approval, motion seconded by Council Member England. Council Member Marchand reminded them of his request to amend the wording to change the word *de-facto* to *alternate*, which was accepted. Motion carried 5-0 **by Minute Order 3642.**

COUNCIL REPORTS ON CITIZEN INQUIRIES AND CONCERNS.

Council Member DeRosa had been asked if *reclaimed water* could be used in watering our parks. The answer is *no*, since we are too far from the area where the water is reclaimed.

Hearing no further business to come before the Council the meeting was adjourned in memory of those men and women who have given their lives for our Country since our last meeting.

Pat Hammers, City Clerk